

HOUSE BILL No. 1092

DIGEST OF INTRODUCED BILL

Citations Affected: IC 33-15-27.

Synopsis: Court reporting services. Imposes restrictions on who may take a deposition for use in a proceeding in an Indiana court.

Effective: July 1, 1999.

Robertson

January 6, 1999, read first time and referred to Committee on Judiciary.

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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

HOUSE BILL No. 1092

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 33-15-27 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 1999]:

4 **Chapter 27. Court Reporting Services; Depositions**

5 **Sec. 1. This chapter does not apply to contracts for court**
6 **reporting services for any of the following:**

7 (1) A court.

8 (2) An agency or instrumentality of a state or political
9 subdivision.

10 (3) An agency or instrumentality of the government of the
11 United States.

12 **Sec. 2. As used in this chapter, "employee" includes the**
13 **following:**

14 (1) An individual who provides reporting or other court
15 services under a contractual relationship with an individual
16 or other person interested in the outcome of litigation,
17 including anyone that may be ultimately responsible for



1 payment.

2 (2) An individual who is employed to provide reporting or
3 other court services part-time or full-time under a contract or
4 otherwise by an individual or other person that has a
5 contractual relationship with a party.

6 Sec. 3. A deposition to be used in a proceeding in a circuit,
7 superior, county, city, or town court, the court of appeals, the tax
8 court, or the supreme court must be taken before an individual
9 who:

10 (1) is described in section 4 of this chapter; and

11 (2) does not have a prohibited interest or relationship
12 described in section 5 of this chapter.

13 Sec. 4. A deposition must be taken before:

14 (1) a hearing officer;

15 (2) a judge, clerk, commissioner, or official reporter of a
16 court;

17 (3) a notary public; or

18 (4) another individual authorized by law to take a deposition.

19 Sec. 5. (a) Subsection (b)(4) does not apply to a relative or
20 employee of the attorney of one (1) of the parties to the proceeding.

21 (b) A deposition may not be taken by an individual who is:

22 (1) a party to the proceeding;

23 (2) a relative, employee, or attorney of one (1) of the parties
24 to the proceeding;

25 (3) someone with a financial interest in the proceeding or its
26 outcome; or

27 (4) a relative, employee, or attorney of an individual or other
28 person with a financial interest in the proceeding or its
29 outcome.

30 Sec. 6. A deposition that is not taken in conformity with section
31 3 of this chapter is void.

32 Sec. 7. An individual who takes a deposition in violation of
33 section 3 of this chapter commits a Class B misdemeanor.

34 SECTION 2. [EFFECTIVE JULY 1, 1999] IC 33-15-27, as added
35 by this act, applies only to a deposition taken after June 30, 1999.

